




Report to the Auburn City Council

Information Item

8

Agenda Item No.

City Manager's Approval

To: Mayor and City Council Members
From: Mark D'Ambrogio, Fire Chief 
Date: June 9, 2014
Subject: Weed abatement-Declare Public Nuisance

The Issue

Shall the City Council, by Resolution, declare Public Nuisance of certain properties within the City of Auburn identified as containing weeds, rubbish, and or debris?

Conclusion and Recommendation

Staff recommends the City Council, by resolution, declare Public Nuisance of certain properties within the City of Auburn identified as containing weeds, rubbish, and or debris, as listed in Exhibit "A".

Background

The weed abatement process requires the City Council to first declare Public Nuisance of those properties that have been identified as containing weeds, rubbish, and or debris as potential hazard with the threat of fire. Such properties as listed in Exhibit "A" have been issued written notice to destroy, remove, or render safe such hazards. This is the first step of the City Weed Abatement Process. Upon inspection and request for action, those properties that do not comply with such requests will be noticed of Public Hearing at a later date to order abatement; removal of such hazard(s) by the City, and will be responsible for all costs associated with such process. Declaration of Public Nuisance is the first step in the process and must be done so to carry out the remaining steps in a timely manner.

It is anticipated that a large number of properties as listed in Exhibit "A" will comply with first request to abate such hazards. This initial step is a formality of the Weed Abatement Process.

Alternatives Available to Council; Implications of Alternatives

1. Adopt a resolution to declare Public Nuisance to continue the City Weed Abatement Process;
2. Take no action; no further process will be implemented.

Fiscal Impact

No direct costs are identified specific to this process. Future actions incurred by the City may be recovered by payment from the property owners through the weed abatement process.

Attachment

Exhibit "A"

Exhibit "A"
Declaration of Nuisance

Street Name	Address	APN Number
Aeolia Drive		003-113-009-000
Auburn Ravine		001-045-025-000
Auburn Ravine		001-044-047-000
Auburn Ravine		001-045-026-000
Auburn Ravine	271	001-044-041-000
Brentwood Circle		040-390-038-000
Commercial Street	299	002-224-011-00
Eagles Nest	3075	055-290-004-000
Eagles Nest	4125	055-280-008-000
East Placer	188	002-092-028-000
Elm and Landis		002-053-012-000
Foresthill Ave		054-290-050-000
Foresthill Ave		003-072-011-000
Heritage Place	1070	042-390-015-000
High Street	1500	004-100-020-000
High Street	1600	004-100-025-000
High Street		004-100-032-000
High Street		004-100-033-000
High Street	1585	004-100-034-000
High Street	1700	004-360-001-000
High Street	1720	004-360-002-000
High Street	1760	004-360-004-000
High Street	1780	004-360-005-000
High Street	1800	004-360-006-000
High Street		004-360-008-000
High Street		004-360-010-000
Hoffman	238	002-030-002-000
Hoffman Ave	190	002-025-002-000
Humbug	1132	040-410-010-000
Humbug	1138	040-410-013-000
Humbug	1142	040-410-015-000
Hwy 49		054-103-031-000
Indian Hill Road	10585	040-360-039-000
Lakeridge Drive	613	042-403-015-000
Lakeridge Drive	605	042-403-017-000
Landis	377	002-051-007-000
Landis Circle Area	Open Land	002-025-040-000
Lantern View	Open Land	040-440-080-000
Lincoln Way	995	002-190-035-000
Lincoln Way		002-225-020-000
Lincoln Way	740	002-082-010-000
Linden Ave		002-154-013-000
Lupine	10111	042-407-007-000
Lupine	10114	042-407-022-000
Maidu Drive	Open Land	055-040-028-000
Maidu Drive	Open Land	055-040-029-000
Maidu Drive	Open Land	055-040-030-000
Maidu Drive	Open Land	055-040-031-000
Miles Court	465	004-360-014-000
Nevada Street	150	001-081-043-000

Exhibit "A"
Declaration of Nuisance

Nevada Street	120	001-143-013-000
Nevada Street	142	001-143-048-000
Nevada Street	455	038-150-002-000
Olive Orchard	446	003-103-008-000
Pleasant Ave		004-062-032-000
Ridgeview Circle	1540	042-310-005-510
Riverview Drive		004-320-011-000
Riverview Drive	495	055-050-017-000
Rosemary Drive	11043	055-300-054-000
Skyridge Drive	304	055-070-012-000
Sunrise Ridge Circle	11150	042-320-010-000
Sunrise Ridge Circle	10913	042-390-006-000
Swenson Court	227	054-500-004-000
Swenson Court	258	054-500-020-000
Swenson Court	266	054-500-018-000
Swenson Court	287	054-500-011-000
Viewcrest	941	040-360-074-000
Viewcrest	960	040-360-075-000
Vista Del Lago	1895	055-170-042-000
Vista Del Lago	1875	055-330-020-000
Vista Del Lago	1865	055-330-021-000
Vista Del Monte	1760	055-170-026-000
Wetland/Dryland	Open Land	040-470-020-000

RESOLUTION NO. 14-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN DECLARING THAT WEEDS GROWING UPON AND IN
FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON
AND IN FRONT OF IMPROVED, DEVELOPED AND OTHER
PROPERTIES IN THE CITY ARE A PUBLIC NUISANCE, AND
DECLARING ITS INTENTION TO PROVIDE FOR THE
ABATEMENT THEREOF**

**THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS
FOLLOWS:**

BE IT RESOLVED THAT, pursuant to the provisions of Articles 1 and 2,
Chapter 13, part 2, Division 3, Title 4, of the California Government Code,
Sections 39560 to 39588, inclusive, and evidence received by it, the City
Council of the City of Auburn specifically finds:

SECTION 1: That the weeds growing upon the streets and sidewalks in
front of said property are weeds which bear seeds of a wingy or downy nature
or attain such large growth as to become a fire menace to adjacent improved
property when dry, or which are otherwise noxious or dangerous.

SECTION 2. That the presence of dry grass, stubble, refuse, or other
flammable materials are conditions which endanger the public safety.

SECTION 3. That by reason of the foregoing fact, the weeds or dry grass,
stubble, refuse, or other flammable material growing or existing upon the
properties hereinafter described, and upon the streets and sidewalks in front of
said property constitute a public nuisance and should be abated as such.

1
2 SECTION 4. That the private property, together with the streets and
3 sidewalks in front of same herein referred to, is more particularly described as
4 follows, to-wit: Those properties described in Appendix "A" attached hereto
5 and by this reference made a part hereof as though set forth in full at this
6 point.

7
8 THEREFORE BE IT RESOLVED, pursuant to the foregoing findings of fact,
9 that the weeds or dry grass, stubble, refuse, or other flammable material in
10 and upon and in front of the real property hereinbefore described constitute
11 and are hereby declared to be a public nuisance which should be abated. The
12 Fire Chief, is hereby designated the person to give notice to destroy said weeds
13 or dry grass, stubble, refuse, or other flammable material and shall cause
14 notices to be given to each property owner by United States Mail and said
15 notice shall be substantially in the following form to-wit.

16 NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND
17 DIRT

18 Notice is hereby given that on the 9th day of June 2014, the City Council
19 of the City of Auburn passed a resolution declaring that noxious or dangerous
20 weeds were growing upon or in front of the property on this street, and that
21 rubbish, refuse, and dirt were upon or in front of property on this street, in
22 Auburn are more particularly described in the resolution, and that they
23 constitute a public nuisance which must be abated by the removal of the
24 weeds, rubbish, refuse, and dirt. Otherwise they will be removed and the
25 nuisance abated by the City and the cost of removal assessed upon the land
26 from or in front of which the weeds, rubbish, refuse, and dirt are removed and
27 will constitute a lien upon such land until paid. Reference is hereby made to
28

1 the resolution for further particulars. A copy of said resolution is on file in the
2 office of the City Clerk.

3 All property owners having any objections to the proposed removal of the
4 weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the
5 City Council of the City of Auburn to be held on July 14, 2014 at 6:00 p.m.
6 when their objections will be heard and given due consideration.

7 BE IT THEREFORE RESOLVED, that the Fire Chief is hereby authorized
8 and directed to authorize the recovery of costs of inspection of the properties
9 hereinabove described in a manner consistent with prior action of the City
10 Council. The recovery of these costs is vital to the ongoing operation
11 governing the identification and abatement of those properties that constitute
12 public nuisances and endanger the public safety.

13
14 BE IT FURTHER RESOLVED THAT the 14th day of July 2014, at the
15 hour of 6:00 p.m. in the City of Auburn, is the day and hour, and the Meeting
16 Room of the City Council at City Hall is the place when and where any and all
17 property owners having any objections to the aforesaid proposed removal of
18 weeds or dry grass, stubble, refuse, or other flammable material may appear
19 before the City Council and show cause why said weeds or dry grass, stubble,
20 refuse, or other flammable material should not be removed in accordance with
21 this resolution, and said objections will then and there be heard and given due
22 consideration; and

23
24 BE IT RESOLVED THAT the notices to destroy weeds or dry grass,
25 stubble, refuse or other flammable material hereinbefore referred to shall be
26 mailed by the City of Auburn at least ten days prior to July 14, 2014.

27 DATED: June 9, 2014
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Bridget Powers, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder , City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 9th day of June 2014 by the following vote on roll call:

Ayes:

Noes:

Absent:

Stephanie L. Snyder, City Clerk

1 ABATEMENT ORDER

2
3 July 14, 2014
4

5 FOLLOWING THE PUBLIC HEARING HELD July 14, 2014 IN THE MATTER OF
6 RESOLUTION TO ABATE NOXIOUS WEEDS, RUBBISH, AND REFUSE, THE CITY
7 COUNCIL OF THE CITY OF AUBURN, BY MOTION ADOPTED AN ORDER
8 DIRECTING THE ABATEMENT OF THE NUISANCE BY HAVING THE WEEDS,
9 RUBBISH, AND REFUSE REMOVED.
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13 CITY COUNCIL OF THE
14 CITY OF AUBURN
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16
17 BY _____
18 Bridget Powers, Mayor
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20 ATTEST:
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22 BY _____
23 Stephanie L. Snyder, City Clerk
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1 STATE OF CALIFORNIA)
2) SS
3 CITY OF AUBURN)
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6 On or before the 14th day of July 2014, as required by the Government Code
7 of the State of California, the owners of each of the properties described in the
8 attached list were notified by United States Mail to destroy noxious or
9 dangerous weeds, of which the annexed is a true copy, and setting the 14th
10 day of July 2014 as the date upon which owners of said property could attend
11 a meeting of the Council of the City of Auburn, when their objections will be
12 heard and given due consideration.
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21 SUBSCRIBED AND SWORN TO BEFORE ME
22 This _____ day of _____, AUBURN
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26 _____
27 City Clerk
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[Appendix "A"]

<i>Street Name</i>	<i>Address</i>	<i>APN Number</i>
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